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TO RUEHC/SECSTATE WASHDC 6999
INFO RUEHAS/AMEMBASSY ALGIERS 4476
RUEHTU/AMEMBASSY TUNIS 9335
RUEHEG/AMEMBASSY CAIRO 2116
RUEHLB/AMEMBASSY BEIRUT 0487
RUEHDM/AMEMBASSY DAMASCUS 0669
RUEHCL/AMCONSUL CASABLANCA 3237
RUEHLO/AMEMBASSY LONDON 3337
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RUEHDE/AMCONSUL DUBAI 0099

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SENSITIVE

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SECSTATE FOR NEA/PPD, NEA/MAG, IIP/G/NEA/SA
LONDON FOR MOC
DUBAI FOR PELLETIER

E.0.12958: N/A

TAGS: KPAO SCUL OIIP KIRC PHUM KMPI MO PGOV

SUBJECT: Moroccan journalists detained for publishing confidential government documents

¶11. (U) This message is sensitive but unclassified; please protect accordingly.

Summary

¶11. (SBU) A newspaper publisher and journalist were arrested on July 17 for publishing classified military documents; they remained in custody as of COB July 19. The Moroccan Press Union offered qualified support for the journalists, focusing mostly on the legality of the arrest procedures. The head of publishers' federation was more categorical in writing that the journalists had likely done nothing illegal, and should not have been detained. In private conversations, the journalists' colleagues have been largely unsupportive, questioning the ethics of publishing documents that had the potential to undermine public security during this sensitive period of high alert. Most contacts assessed that the public prosecutor was primarily concerned with identifying the source of the leak. End summary.

¶12. (U) Abderrahim Ariri, director of independent weekly Al Watan, and one of his reporters, Mustafa Hormatallah, were arrested on July 17 for publishing confidential government documents. A large number of police officers searched Ariri's residence and Al Watan's offices on the same day, seizing documents and computers. The arrests came in response to a series of articles Al Watan ran on July 14 entitled, "The secret reports behind the state of alert in Morocco," which contained information from confidential military documents regarding the reasons behind the GOM's July 6 decision to raise its state-of-alert level to the maximum. One of the stories reproduced a memo from the "Fifth Bureau" (a military counterterrorism unit) advising security services to be on guard following the publication of an online video calling for jihad against Morocco and other Maghreb states. Casablanca's public prosecutor, Moulay Abdallah Alaoui Belghiti, ordered the two men be investigated for revealing national secrets. Ariri and Hormatallah remain in detention in an unknown location. Belghiti has stated that a number of top-secret security documents were seized from Ariri, and denounced the publication of the documents as "an act against the law and reprehensible." Belghiti also launched an investigation to determine the source of the leaked documents.

¶13. (SBU) Public reaction to the arrests has been limited.

Pro-palace daily Le Matin publicly supported the arrest in its daily editorial today (see block quotes below). The Moroccan National Press Union (SNPM) issued a communique denouncing the arrest as "exaggerated" and "oppressive," and averring that in the absence of a law regulating access to information, journalists were pushed to rely on their own independent initiative to gain access to information. When asked about the communique, SNPM Secretary General Younes Mjahid stated that the union's concerns were primarily focused on the fact that the men had been detained without being charged, and that both their detention and the investigation had been ordered by a public prosecutor rather than a judge.

¶4. (U) Abdelmouneim Dilami, President of the Moroccan Federation of Publishers and director of the largest media group in Morocco, expressed stronger public support for the journalists arrested. In an editorial in independent daily L'Economiste, Dilami called the arrest "dangerous," stressing that only a judge had the authority to order the journalists arrested, and questioning whether the journalists had in fact broken any laws in publishing the documents. He contended that the leaks were the fault of the responsible security service, and the journalists should not be held responsible (see block quote below).

¶5. (U) International watchdog organizations Reporters Without Borders (RSF) and the Committee to Protect Journalists (CPJ) issued measured condemnations of the arrest. RSF released a statement stating: "It is wrong to arrest these two journalists and keep them in custody, especially as it would have sufficed to summon them for questioning. . . .the internal memo published in the weekly seems not to have contained any confidential information. . . [T]he journalists should not be turned into scapegoats." Similarly, CPJ stated that it is "deeply troubled" by the incident.

¶6. (SBU) In private communications with the Public Affairs Section (PAS), a wide range of media contacts criticized Al Watan for

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publishing the documents, and evinced very little sympathy for their colleagues. Many argued that Al Watan should not have published confidential government defense documents during a particularly

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sensitive period for Morocco's national security, and questioned the ethical standards of the journalists implicated. Many said this was a case of national security, not press freedom. Our contacts in the press opined that the public prosecutor was primarily concerned with identifying the leak; it was not clear whether he intended to pursue a criminal case against the journalists as well.

Comment

¶7. (SBU) As with most recent cases touching on freedom of the press in Morocco, this incident is not amenable to clear-cut analysis. Moroccans are especially sensitive to the tense security environment they currently face, in which checkpoints at the entrances to major cities have become the norm. Thus, many are questioning the ethics (if not the legality) of publishing a photocopy of a secret document relating to security. That said, at the very least the procedures followed to detain the journalists were of questionable legality. Moreover, it is disconcerting they have been kept incommunicado for more than two days. Post will continue to follow these developments and assess whether we need to formally raise this case with the GOM.
End comment.

¶7. (U) Block quotes:

¶A. "Abuse of Power," front page editorial by Abdelmouneim Dilami, President of the Moroccan Federation of Publishers and Director of independent daily "L'Economiste":

The seizure of the weekly Al Watan and the arrest of its director, Ariri, are dangerous and worrisome for more than one reason. First of all, on the level of procedure, nothing justifies the director of a newspaper being arrested in such a manner as long as the rebuke is linked to the exercise of his profession. This tendency to criminalize the press is worrisome. Do we need to reiterate that

the role of the press is to inform public opinion, and that information is a right of a sovereign people? We are not giving ourselves over to grandiloquence, but simply reiterating elementary principles. This newspaper published some internal documents of the security services, some trivial documents. Even if there is fault, which in our eyes is not the case, it is up to the judge to decide and as long as the judge has not said so, there is no mistake and thus no justification for proceeding to arrest the director of the publication. Indeed, if these documents coming from the security services ended up in the hands of some journalists, that is not the latter's' fault; one should take it out on the services, because these leaks indicated negligence. The journalist, as for him, did nothing but his job, which is to publish. He is not responsible for the discipline of functionaries. The only documents that the law forbids from publishing are those [dealing with] cases that are being prosecuted by the judiciary. One can only be surprised at the public authorities that dramatized the affair, as if there were mysterious actors seeking to sabotage the process of liberalization taking place. In case these actors ignored it, they must understand that Morocco will never be registered among the democratic countries if it does not have a free press. The professional press organizations contribute to managing this delicate transition phase. But it is necessary at the same time that the state for its part not allow certain of its agents, at each positive stage, to come and deliberately destroy it.

IB. "Press is pulling in opposite directions," inside page editorial in pro-palace, French-language daily Le Matin:

The Casablanca Appeals Court public prosecutor has demanded that the police open a preliminary investigation into the publication by the weekly, Al Watan, of a dossier entitled "The secret reports behind the state-of-alert in Morocco". . . Once more the irresponsible press has indulged in one of its favorite exercises: to defy the law, to trample on the sacred principles of ethics and, in the case that occupies us today, to violate the regulation of confidentiality in appropriating and publishing some secret documents belonging to the administration of the state. The offense is dangerous. . .

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[involving] false journalists who, yielding to sensationalism and believing they had a scoop, simply breached the law. If the Constitution and democracy in Morocco guarantee total freedom to citizens, and notable to the press, as is rarely done in certain countries, this same freedom remains attached to a condition that is a sine qua non: responsibility. . . Not only did [the journalists] believe that they could publish the contents [of the documents] with impunity, but they deliberately reproduced the reports [in the form in which] they were stolen and entrusted to them. . . .[Theft] of confidential documents belonging to the administration, which what's more were rendered public, risking putting in danger the security of the citizenry and violating the sacred character of the procedures of the state, is punishable by serious penalties. . . . In the United States, stealing a secret defense of the state or its institutions exposes [someone] immediately - whatever the social rank of the personal implicated - to judicial procedures and to prison sentences.

Bush